

REMARKS/ARGUMENTS

The present Amendment is responsive to the final Office Action mailed May 11, 2009 in the above-identified application.

Claims 10, 15, 39 and 41 are canceled without prejudice or disclaimer. Therefore, claims 6-9, 11-14, 16, 26, 34-37, 40 and 42 are the claims currently pending in the present application.

Claims 11, 16 and 40 are rewritten as independent claims. Claim 42 is amended to depend from claim 16 so that it continues to depend from a claim still pending in the application.

Claim 16 is amended to clarify features recited thereby. This amendment is fully supported by Applicant's disclosure, see, for example, Figs. 4, 5, 8 and 9 of Applicant's disclosure illustrating the first connection pin 107 (and the second connection pin is illustrated as reference numeral 105).

The amendment to claim 16 is not believed to raise new issues that would require further searching because the regulation member was already recited in claim 16 and the present Amendment merely clarifies that the regulation member regulates the movement of the support as well as the first connection pin. Accordingly, a Request for Continued Examination is believed to be unnecessary and is not filed herewith.

Rejection of Claims 10, 15, 16, 39 and 41 under 35 U.S.C. § 103

Claims 10, 15, 16, 39 and 41 are rejected under 35 U.S.C. § 103 as being obvious over Sasaki (2002/0055758). Reconsideration of this rejection is respectfully requested.

Claims 10, 15, 39 and 41 are canceled without prejudice or disclaimer and therefore the rejection is moot as to these claims.

With respect to claim 16 Applicant notes as follows.

Claim 16 is directed to the structure of the opening/closing mechanism of the jaws. As illustrated in Figs. 4, 5, 8 and 9 of Applicant's disclosure, the first connection pin recited in claim 16 is referred to by reference numeral 107 and the second connection pin recited in claim 16 is referred to by reference numeral 105. Thus, according to an aspect of Applicant's invention as claimed in claim 16, when the jaws open and close, then both jaws 101 and 102 open, as illustrated in Figs. 4, 5, 8 and 9.

Claim 16 requires that the treatment section opening/closing mechanisms comprise a first connection pin which supports a proximal end portion of one of the pair of jaws, and a second

connection pin which supports another jaw of the pair of jaws, and a regulation member which regulates a movement of the support and the first connection pin.

Sasaki discloses that when the jaws open and close, the jaw 14 opens with respect to the jaw 12, as illustrated in Fig. 3. Thus, Sasaki provides that

“The surgical operation instrument 1 of the above structure operates as follows. When the first driving rod 5 is advanced, the proximal end of the second jaw 14 is pushed forward by means of the first and second coupling members 16 and 18. As a result, the second jaw 15 rotates, with the pivotal support pin 11 as a support point, and the first and second jaws 12 and 14 open. Conversely, when the first driving rod 5 is retracted, the proximal end of the second jaw 14 is pulled backward by means of the first and second coupling members 16 and 18. As a result, the second jaw 14 rotates, with the pivotal support pin 11 as a support point, and the first and second jaws 12 and 14 close.” (Sasaki, column 4, line 66 - column 5, line 10.)

Thus, Sasaki discloses that the second pivotal support pin 13, as illustrated in Fig. 3a, pivots the two jaws and arguably corresponds to second connection pin 105, while the first coupling 15 of Sasaki, which provides the turning force, arguably corresponds to the first connection pin 107. Thus, Sasaki teaches that when the jaws open and close, the first coupling pin 15 moves while the second pivotable support pin 13 does not move, and thus the jaw 14 opens with respect to jaw 12.

By way of contrast, as discussed above when the jaws recited in claim 16 open and close, second connection pin 105 moves while the first connection pin 107 does not move. As a result, both jaws 101 and 102 open.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the claims of the application are respectfully requested.

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